

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL 2327</b>
<b>THIS DOCUMENT RELATES TO:  WAVE 5 &amp; 6 CASES</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**DEFENDANTS' MOTION FOR SANCTIONS**

Defendants Ethicon, Inc. and Johnson & Johnson (collectively, “Ethicon”), by counsel, hereby move pursuant to Federal Rule of Civil Procedure 37 for sanctions based on Plaintiffs’ failure to comply with the Court’s September 26, 2017 Order (“9/26/2017 Order”), including (i) the exclusion of any opinions offered by Dr. Scott Guelcher based on A. Talley, *et al.*, “Oxidation and degradation of polypropylene transvaginal mesh,” J. Biomater. Sci., Polymer Ed. (2017); (ii) an award of the reasonable expenses incurred by Ethicon as a result of Plaintiffs’ failure to comply with the 9/26/2017 Order; (iii) instructions that Plaintiffs comply with this Court’s 9/26/2017 Order within 10 days of entry of a new order; and (iv) any other relief deemed appropriate by this Court. Ethicon incorporates its Memorandum in Support of Motion for Sanctions by reference, as well as the following exhibits:

<b>Exhibit</b>	<b>Description</b>
A	Plaintiffs’ Wave 5 Expert Disclosure;
B	Plaintiffs’ Wave 6 Expert Disclosure;
C	T. Jackson 8/16/10 email;

D 8/17/17 Scott Guelcher deposition transcript;  
E 9/26/17 Hearing Transcript;  
F D. Thomas 10/2/17 email;  
G D. Thomas 10/12/17 email;  
H D. Thomas 10/18/17 email;  
I T. Jackson 10/20/17 email;  
J D. Thomas 10/26/17 email;  
K T. Jackson 10/29/17 email; and  
L T. Jackson 10/31/17 email.

WHEREFORE, Ethicon requests that the Court grant the relief sought by this Motion for the reasons articulated in the accompanying Memorandum of Law.

Respectfully submitted,

/s/ David B. Thomas

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

/s/ David B. Thomas

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